

## **EXHIBIT B**

## **EXHIBIT B - IMPLICIT'S INFRINGEMENT ANALYSIS**

### **U.S. Patent No. 8,856,185 – Walmart, Inc.**

Implicit, LLC (“Implicit”) provides evidence of infringement of at least claim 1 of U.S. Patent No. 8,856,185 (hereinafter “the ’185 patent”) by Walmart, Inc. (“Walmart”). In support thereof, Implicit provides the following claim charts.

“Accused Instrumentalities” as used herein refers to at least Walmart.com. These claim charts demonstrate Walmart’s infringement by comparing each element of the asserted claims to corresponding components, aspects, and/or features of the Accused Instrumentalities. These claim charts are not intended to constitute an expert report on infringement. These claim charts include information provided by way of example, and not by way of limitation.

Unless otherwise noted, Implicit contends that Walmart directly infringes the ’185 patent in violation of 35 U.S.C. § 271(a) by selling, offering to sell, making, using, and/or importing the Accused Instrumentalities. The following exemplary analysis demonstrates that infringement. Unless otherwise noted, Implicit further contends that the evidence below supports a finding of indirect infringement under 35 U.S.C. §§ 271(b) and/or (c), in conjunction with other evidence of liability under one or more of those subsections. Walmart makes, uses, sells, imports, or offers for sale in the United States, or has made, used, sold, imported, or offered for sale in the past, without authority, or induces others to make, use, sell, import, or offer for sale in the United States, or has induced others to make, use, sell, import, or offer for sale in the past, without authority products, equipment, or services that infringe claim 1 of the ’185 patent, including without limitation, the Accused Instrumentalities.

Unless otherwise noted, Implicit believes and contends that each element of each claim asserted herein is literally met through Walmart’s provision of the Accused Instrumentalities. However, to the extent that Walmart attempts to allege that any asserted claim element is not literally met, Implicit believes and contends that such elements are met under the doctrine of equivalents. More specifically, in its investigation and analysis of the Accused Instrumentalities, Implicit did not identify any substantial differences between the elements of the patent claims and the corresponding features of the Accused Instrumentalities, as set forth herein. In each instance, the identified feature of the Accused Instrumentalities performs at least substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim element.

To the extent the chart of an asserted claim relies on evidence about certain specifically identified Accused Instrumentalities, Implicit asserts that, on information and belief, any similarly functioning instrumentalities also infringes the charted claim. Implicit reserves the right to amend this infringement analysis based on other products made, used, sold, imported, or offered for sale by Walmart. Implicit also reserves the right to amend this infringement analysis by citing other claims of the ’185 patent, not listed in the claim chart, that are infringed by the Accused Instrumentalities. Implicit further reserves the right to amend this infringement analysis by adding, subtracting, or otherwise modifying content in the “Accused Instrumentalities” column of each chart.

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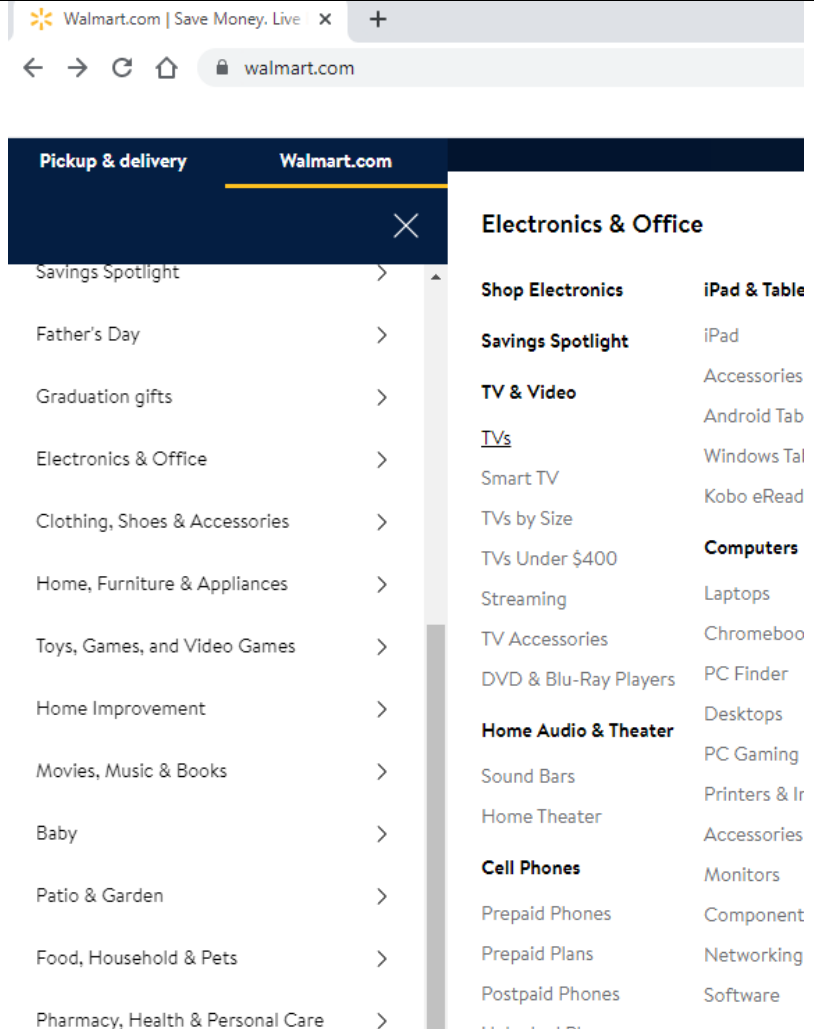
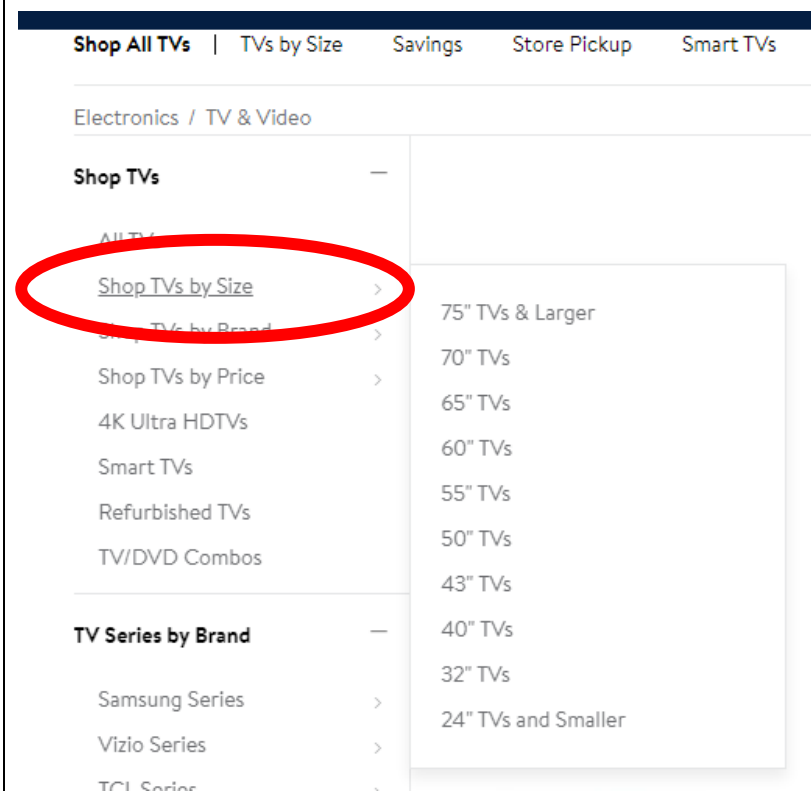
Claim #	Accused Instrumentalities	
1. A method, comprising:	Upon information and belief, Walmart is the direct infringer practicing the method recited here.	
storing, at a computer system, information that implements a namespace having a plurality of objects, wherein the stored information includes data for various ones of the plurality of objects that is indicative of attribute values for one or more of a plurality of object attributes;	Walmart creates product pages and stores product information made available to the public through its website, Walmart.com. The products available for purchase from Walmart.com are associated with objects stored within one or more computer system within Walmart's e-commerce platform and those objects have associated attributes. The object attributes have attribute values. For example, a database connected to the webserver for Walmart.com stores information that implements a namespace for various products available for purchase through Walmart.com. According to the '185 patent, "[a] namespace is a collection of names that each uniquely identifies an object. For example, the pathnames of a conventional file system uniquely identify the files of the file system and are thus a namespace for the file system. Namespaces, however, can contain the names of a wide variety of objects including files, computer input and output devices, users, and so on." 1:43-49.	 <p>The screenshot shows the Walmart.com website. The top navigation bar includes 'Pickup &amp; delivery' and 'Walmart.com'. A dropdown menu is open, displaying various product categories. The 'Electronics &amp; Office' category is highlighted, showing sub-categories like 'Shop Electronics', 'Savings Spotlight', 'TV &amp; Video', 'TVs', 'Smart TV', 'TVs by Size', 'TVs Under \$400', 'Streaming', 'TV Accessories', 'DVD &amp; Blu-Ray Players', 'Home Audio &amp; Theater', 'Cell Phones', 'Prepaid Phones', 'Prepaid Plans', 'Postpaid Phones', and 'Unlocked Phones'. Other categories visible in the dropdown include 'Savings Spotlight', 'Father's Day', 'Graduation gifts', 'Electronics &amp; Office', 'Clothing, Shoes &amp; Accessories', 'Home, Furniture &amp; Appliances', 'Toys, Games, and Video Games', 'Home Improvement', 'Movies, Music &amp; Books', 'Baby', 'Patio &amp; Garden', 'Food, Household &amp; Pets', and 'Pharmacy, Health &amp; Personal Care'.</p>

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Walmart's e-commerce platform stores information that implements a namespace (collection of names) having a plurality of objects (each associated with a Walmart product), wherein the stored information includes data for various ones of the plurality of objects that is indicative of attribute values (for example *TV Size*) for one or more of a plurality of object attributes.

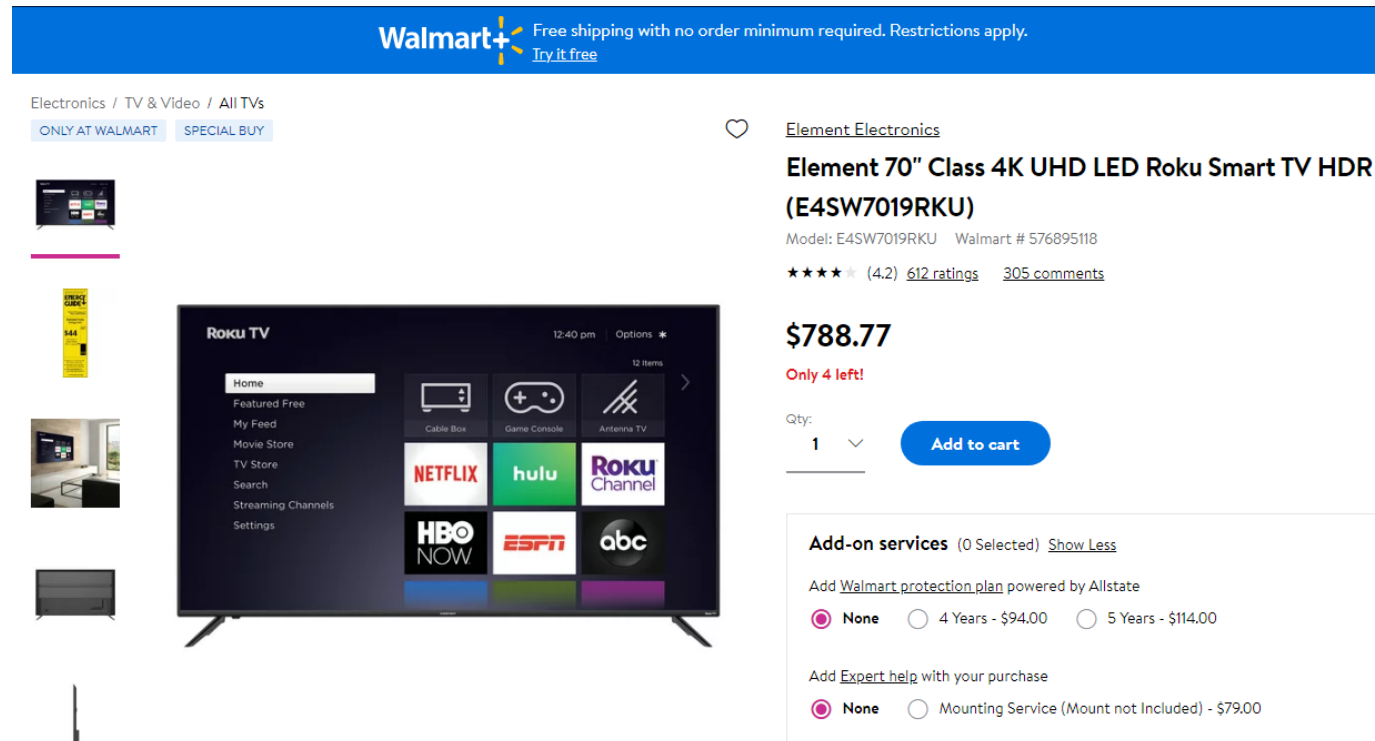


**Source:** <https://www.walmart.com/cp/tv-video/1060825>

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receiving, by the computer system, an object associated with a user-defined attribute value;

Walmart's e-commerce platform receives objects associated with consumer products for sale through Walmart's website and these objects have associated with them a "user-defined attribute value". For example, as illustrated through the screenshot below, Walmart's e-commerce system includes a product page with user ratings, each product user rating being a user-defined attribute value.



**Source:** <https://www.walmart.com/ip/Element-70-Class-4K-UHD-LED-Roku-Smart-TV-HDR-E4SW7019RKU/632565655>

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Customer reviews & ratings

4.2

★★★★☆

612 ratings

87%

Recommended

(251 of 287)

5 stars

409

4 stars

88

3 stars

25

2 stars

12

1 star

78

Write a review

See all reviews

**Source:** <https://www.walmart.com/ip/Element-70-Class-4K-UHD-LED-Roku-Smart-TV-HDR-E4SW7019RKU/632565655>

The “Customer Rating” attribute may also be used to further filter-query Walmart’s products.

Customer Rating

☐ ★★★★★ & Up

☐ ★★★★☆ & Up

**Source:** [https://www.walmart.com/browse/electronics/70-inch-tvs/3944\\_1060825\\_2489948\\_3857592?povid=1060825+%7C+2020-07-17+%7C+70%20inch%20TVs%20Desktop](https://www.walmart.com/browse/electronics/70-inch-tvs/3944_1060825_2489948_3857592?povid=1060825+%7C+2020-07-17+%7C+70%20inch%20TVs%20Desktop)

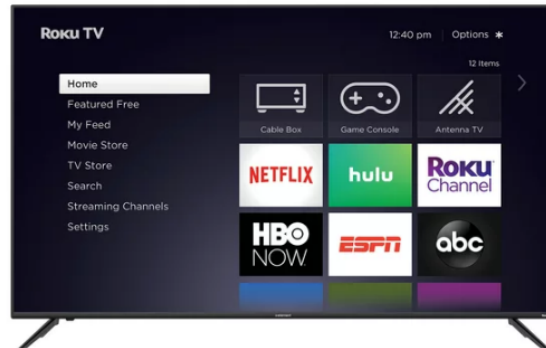
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adding, by the computer system, the object associated with the user-defined attribute value to the namespace;

Walmart's e-commerce platform adds objects associated with the user-defined attribute values to the aforementioned mentioned namespace. For example, Walmart's product pages include an aggregate of the individual ratings each user gave to the product. The product is associated with an object added to the namespace in Walmart's system. A specific example of an "the associated with the user-defined attribute value to the namespace" is illustrated through the Element 70" Class 4K UHD LED Roku Smart TV HDR product page illustrated below.

Electronics / TV & Video / All TVs

ONLY AT WALMART SPECIAL BUY



Model: E4SW7019RKU Walmart # 576895118

★★★★★ (4.2) [612 ratings](#) [305 comments](#)



[Element Electronics](#)

**Element 70" Class 4K UHD LED Roku Smart TV HDR (E4SW7019RKU)**

Model: E4SW7019RKU Walmart # 576895118

★★★★★ (4.2) [612 ratings](#) [305 comments](#)

**\$788.77**

Only 4 left!

Qty: 1

[Add to cart](#)

**Add-on services** (0 Selected) [Show Less](#)

Add [Walmart protection plan](#) powered by Allstate

☒ None ☐ 4 Years - \$94.00 ☐ 5 Years - \$114.00

**Source:** <https://www.walmart.com/ip/Element-70-Class-4K-UHD-LED-Roku-Smart-TV-HDR-E4SW7019RKU/632565655>

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receiving, by the computer system, first and second queries of the namespace that respectively indicate one or more attribute values and organization of query results, wherein the first query indicates relative levels of object attributes within a first hierarchy of object attributes and wherein the second query indicates relative levels of object attributes within a second hierarchy of object attributes;

Walmart's e-commerce platform is configured to receive multiple queries the results of which indicate attribute values and organization of the query results. For example, the screenshots below illustrate a first query indicated by a product category, specifically "70 Inch TVs" within a first hierarchy of product categories: Electronics > TV & Video > Shop TVs by Size > 70 Inch TVs

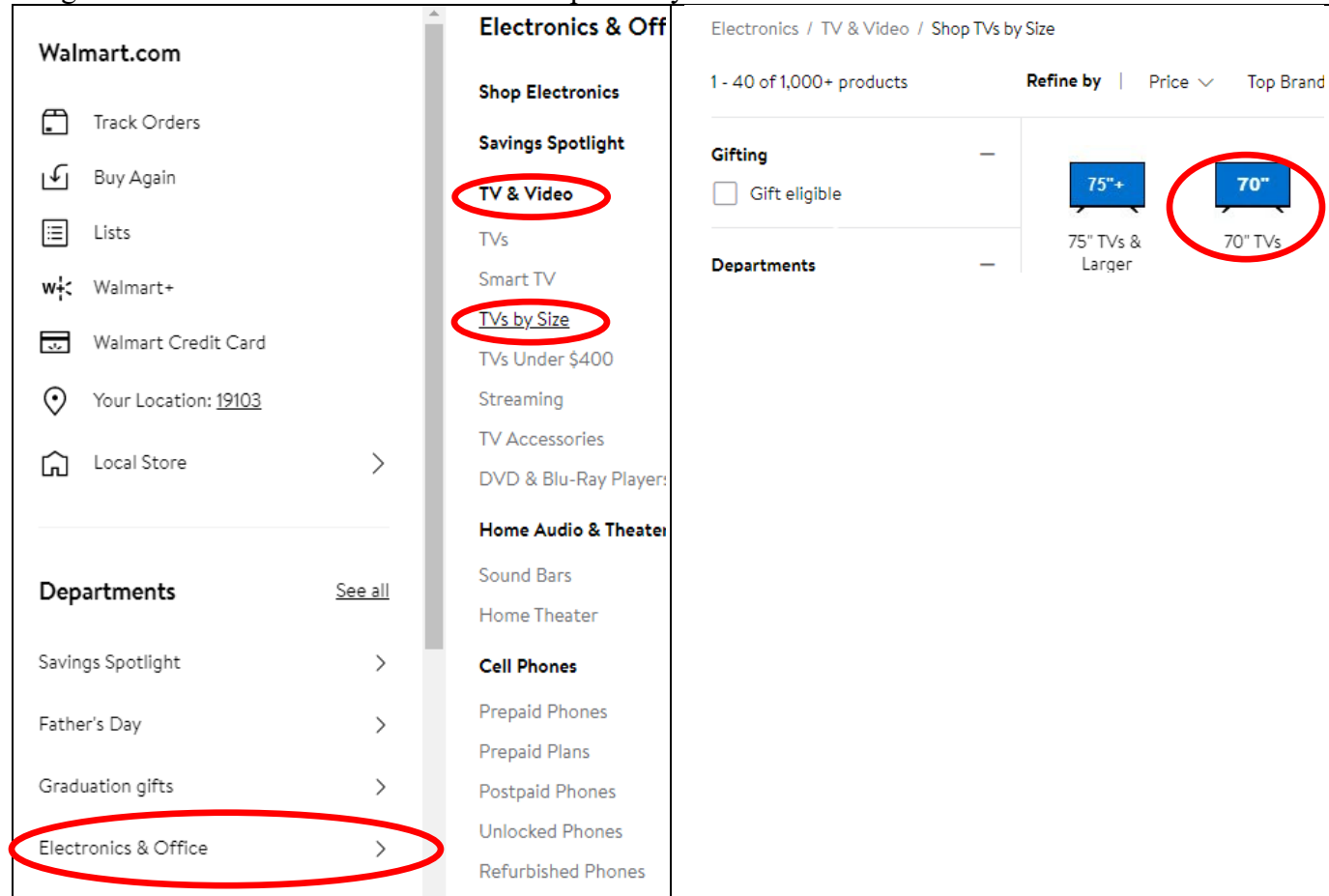




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The results of the above query navigation yields shows levels of object attributes within a first hierarchy:

Electronics / TV & Video / Shop TVs by Size / 70 Inch TVs  
1 - 40 of 43 products      Refine by | Price

**Source:** [https://www.walmart.com/browse/electronics/70-inch-tvs/3944\\_1060825\\_2489948\\_3857592?povid=2489948+%7C+contentZone1+%7C+2017-07-24+%7C+1+%7C+Perfection\\_TVBySize\\_70\\_Inch](https://www.walmart.com/browse/electronics/70-inch-tvs/3944_1060825_2489948_3857592?povid=2489948+%7C+contentZone1+%7C+2017-07-24+%7C+1+%7C+Perfection_TVBySize_70_Inch)

Walmart's platform is further configured to receive a second query using "filter". As the screenshot immediately below illustrates, among these filters for TVs is a "Price" filter. For example, the category of TVs in the Walmart platform can be further queried for those priced between \$700 and \$1250.

The screenshot displays the Walmart website's filter interface for 70-inch TVs. On the left, the 'Price' filter is expanded, showing a list of price ranges: \$0 - \$450, \$450 - \$500, \$500 - \$600, \$600 - \$700, \$700 - \$1250 (selected and circled in red), and \$1250+. The main area shows a grid of TV products with their prices and ratings. The 'Refine by' section on the left includes filters for Delivery & Pickup, Television Type, Brand, and Price.

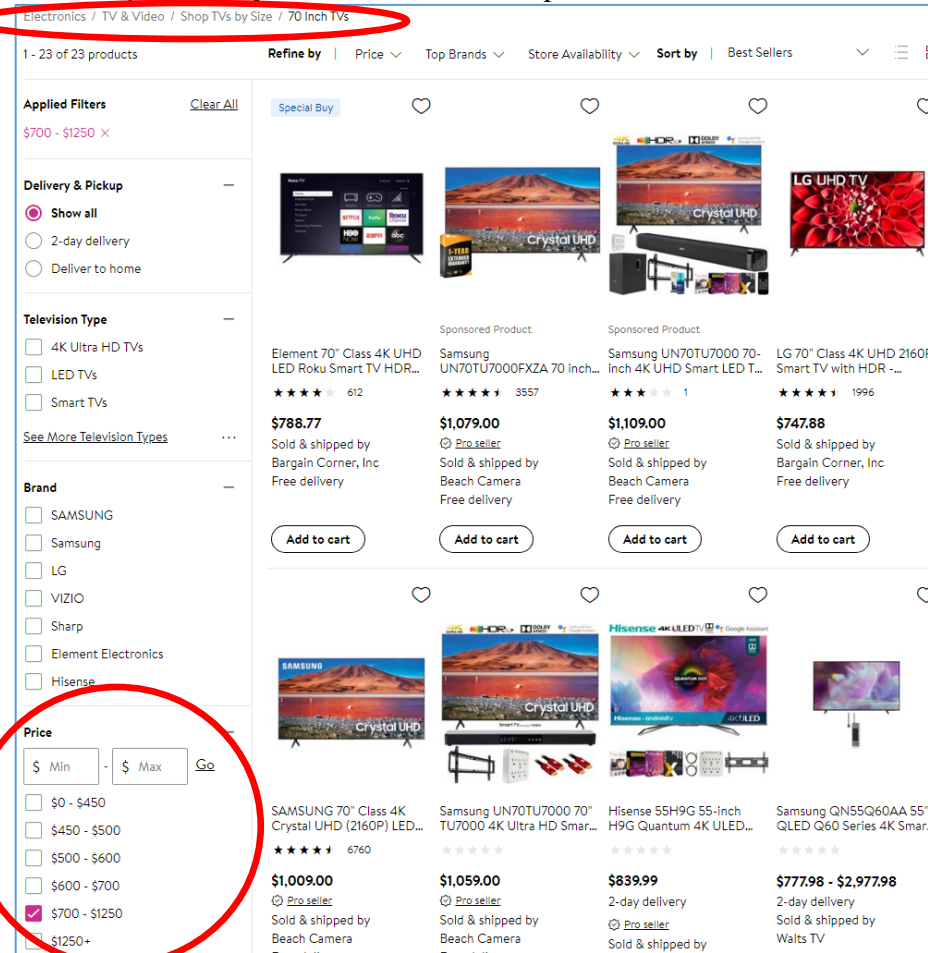
Product	Price	Rating
Element 70" Class 4K UHD LED Roku Smart TV HDR...	\$788.77	612
Samsung UN70TU7000FXZA 70 Inch...	\$1,079.00	3557
Samsung UN70TU7000 70-inch 4K UHD Smart LED T...	\$1,109.00	1
LG 70" Class 4K UHD 2160P Smart TV with HDR ...	\$747.88	1996
SAMSUNG 70" Class 4K Crystal UHD (2160P) LED...	\$1,009.00	6760
Samsung UN70TU7000 70" TU7000 4K Ultra HD Smar...	\$1,059.00	
Hisense 55H9G 55-inch H9G Quantum 4K ULED...	\$839.99	
Samsung QN55Q60AA 55" QLED Q60 Series 4K Smar...	\$777.98 - \$2,977.98	

The search results page above evidences that Walmart's platform is configured to receive and process both queries and indicate relative levels of object attributes within a hierarchy of object attributes.

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generating, by the computer system in response to the first and second queries, respective first and second sets of access data usable to access objects in the namespace that have one or more attribute values that match the one or more attribute values specified by the respective first and second queries; and

As evidenced by the screenshot above (republished below), Walmart's e-commerce platform generates results, including first and second sets of access data, from the category selection and filter querying of Walmart.com to receive search results for various products, such as TVs, that are accessible objects and that match the attributes specified by the first and second queries.

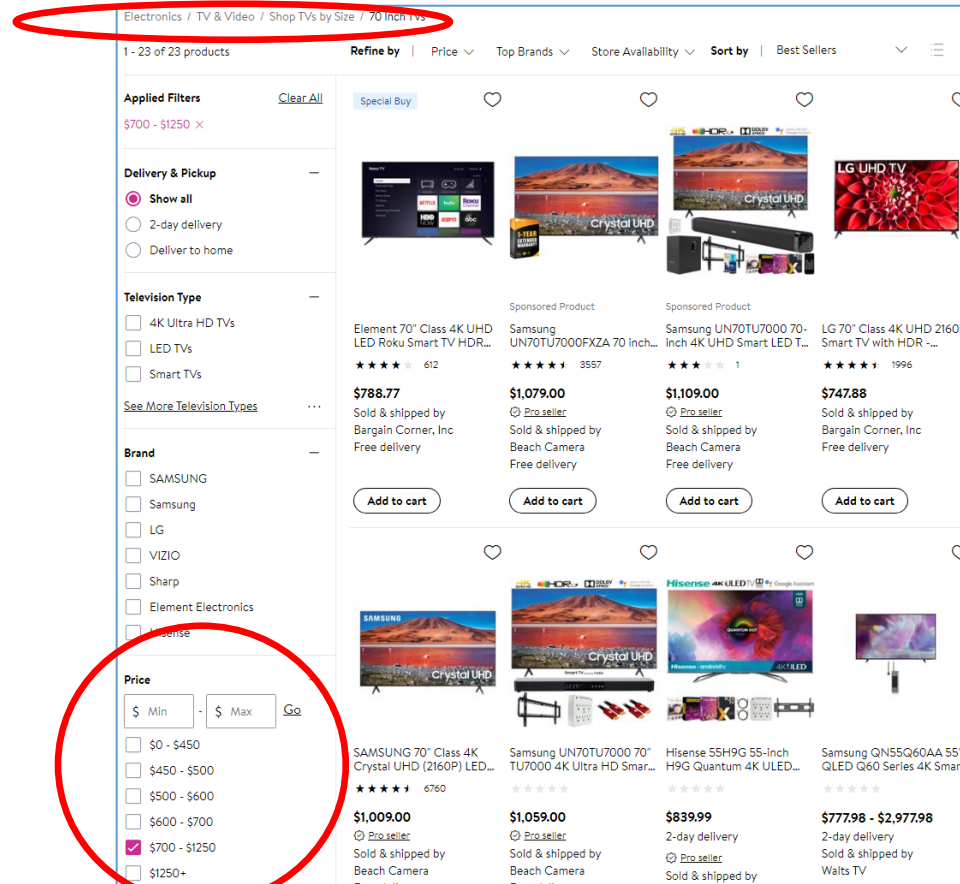


Source: [https://www.walmart.com/browse/electronics/70-inch-tvs/3944\\_1060825\\_2489948\\_3857592?cat\\_id=3944\\_1060825\\_2489948\\_3857592&facet=price%3A%24700+-+%241250](https://www.walmart.com/browse/electronics/70-inch-tvs/3944_1060825_2489948_3857592?cat_id=3944_1060825_2489948_3857592&facet=price%3A%24700+-+%241250)

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transmitting, by the computer system, the first and second sets of access data to one or more second computer systems associated with the first and second queries.

As evidenced by the screenshots above, Walmart's e-commerce platform is configured to transmit through the Walmart.com webpage accessed by a user's computer (second computer system) associated with the first and second queries, first and second sets of access data usable to access objects in the namespace that have one or more attribute values that match the one or more attribute values specified by the respective first and second queries.

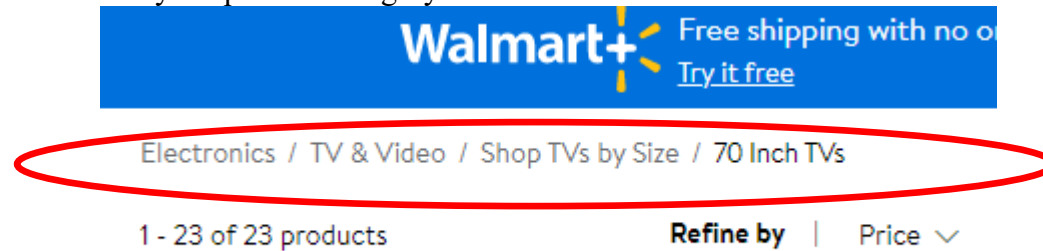


**Source:** [https://www.walmart.com/browse/electronics/70-inch-tvs/3944\\_1060825\\_2489948\\_3857592?cat\\_id=3944\\_1060825\\_2489948\\_3857592&facet=price%3A%24700+-+%241250](https://www.walmart.com/browse/electronics/70-inch-tvs/3944_1060825_2489948_3857592?cat_id=3944_1060825_2489948_3857592&facet=price%3A%24700+-+%241250)

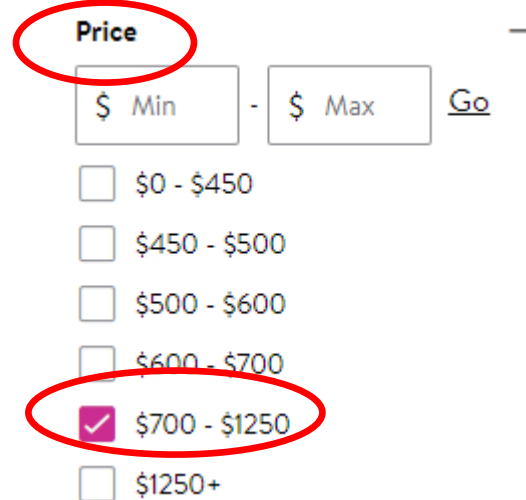
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wherein the first and second sets of access data are organized using the respective first and second hierarchies, and

Walmart's e-commerce platform is configured such that the first and second sets of access data are organized using the respective first and second hierarchies. For example, in the screenshots below the first set of access data reveals the hierarchy for product category.



In the screenshot below, the second set of access data reveals the hierarchy for the "Price" filter.

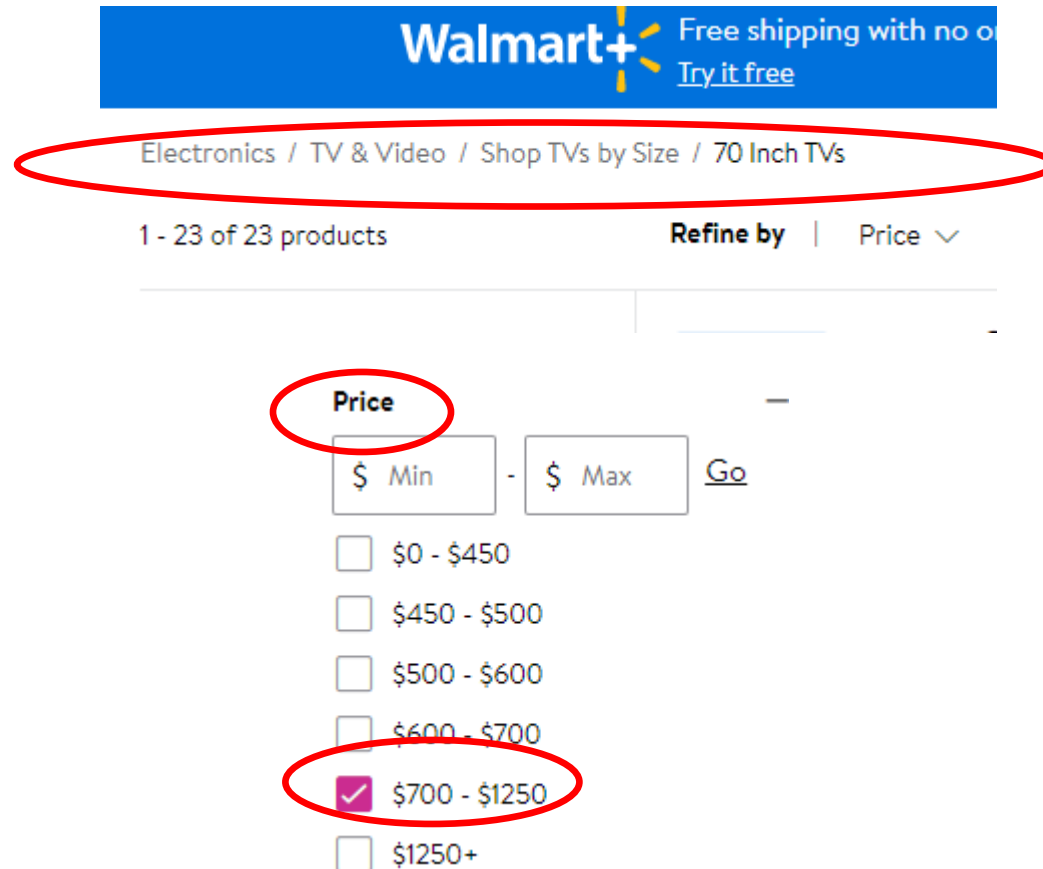


**Source:** [https://www.walmart.com/browse/electronics/70-inch-tvs/3944\\_1060825\\_2489948\\_3857592?cat\\_id=3944\\_1060825\\_2489948\\_3857592&facet=price%3A%24700+-+%241250](https://www.walmart.com/browse/electronics/70-inch-tvs/3944_1060825_2489948_3857592?cat_id=3944_1060825_2489948_3857592&facet=price%3A%24700+-+%241250)

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wherein the second hierarchy includes a given attribute at a level that is different from a level of the given attribute in the first hierarchy.

Walmart's e-commerce platform is configured such that the second hierarchy includes a given attribute at a level that is different from a level of the given attribute in the first hierarchy. For example, the screenshots below illustrate the secondary hierarchy (e.g., the "Price" filter) has a single sub-level of hierarchy within all product namespaces, while the first hierarchy for Electronic products at Walmart show four levels or sub-categories and, thus, a different level.



**Source:** [https://www.walmart.com/browse/electronics/70-inch-tvs/3944\\_1060825\\_2489948\\_3857592?cat\\_id=3944\\_1060825\\_2489948\\_3857592&facet=price%3A%24700+-+%241250](https://www.walmart.com/browse/electronics/70-inch-tvs/3944_1060825_2489948_3857592?cat_id=3944_1060825_2489948_3857592&facet=price%3A%24700+-+%241250)

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